

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Otto S. Jones, Sr.,)	C/A No. 3:12-1098-JFA-PJG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Mailsouth, Inc.,)	
)	
Defendant.)	
_____)	

This matter is before the court as a result of the plaintiff's failure to effect service of process on the defendant within 120 days of the filing of the complaint, as required under Federal Rule of Civil Procedure 4(m).

A review of the record indicates that the Magistrate Judge ordered the plaintiff on September 13, 2012 to show cause for his failure to effect service on the defendant in a timely manner. Notwithstanding the Magistrate Judge's warning and instructions in the order to show cause, the plaintiff has failed to respond.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the action should be dismissed under Fed. R. Civ. P. 4(m). The Report sets forth in detail the relevant facts and standards of law on this matter, and the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

court incorporates such without a recitation and without a hearing.

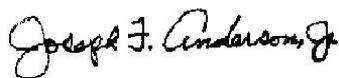
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on October 12, 2012. The plaintiff failed to respond to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 6, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge